

DETAILED ACTION

Status of the Claims

Receipt is acknowledged of the Applicants' response filed on 11/09/09. Claims 1-6 are pending.

Examiner's Amendment

Authorization for this examiner's amendment to clear up minor grammatical errors was given in a telephone interview with Jesse Bucholtz on 2/24/2010.

Claim 5 (currently amended): The composition comprising a combination of pseudoephedrine sulphate and domperidone according to claim 1, wherein said combination [of said] includes a dose of 60 mg pseudoephedrine sulphate and 120 mg of pseudoephedrine hydrochloride.

Claim 6 (Currently Amended) The composition comprising [U] combination of pseudoephedrine sulphate and domperidone according to claim 4, wherein said composition may be re-administered at least 4 hours after ingesting the capsule if snoring starts again.

Response to Amendments and Remarks

Rejections-35 USC § 101 and 112 2nd (indefinite):

Claims 1-6 are amended to claim a single invention, a composition as claimed in claim 1 and taught by the instant specification, thereby rendering the rejection moot.

Reasons for allowance

The following is an examiner's statement of reasons for allowance:

A published article by Larrain et al (2006) teaches the combination of pseudoephedrine sulfate and domperidone for treatment of snoring is the closest art, but this art is not prior art. Therefore, the instant claims drawn to "composition comprising a combination of pseudoephedrine sulphate and domperidone, wherein the composition is used to alleviate or eliminate snoring in a moderate or severe non-pathological snorer" are patentable.

Therefore the claims are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 1-6 are allowed.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany P. Barham whose telephone number is 571-272-6175. The examiner can normally be reached on M-F from 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A Wax, can be reached on 571-272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner 1615

/Humera N. Sheikh/
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